?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
%DATED: 15.05.2019
*CORAM
THE HONOURABLE MRS. JUSTICE J.NISHA BANU
+W.P.(MD)No.12008 of 2019

#S.Abraham Lingam
... Petitioner
Vs.

$1.The Assistant Director,
Geology and Mines Department,
Thanjavur District.

2.The Sub Collector cum Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

3.The Tahsildar,
Kumbakonam Taluk,
Thanjavur District.

4.The Inspector of Police,
Natchiyar Kovil Police Station,
Thanjavur District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to release the petitioner-s vehicle of Leyland Tipper Lorry, bearing Registration No.TN~32~ D3269 from the custody of the 4th respondent Police and to hand over the above vehicle to the petitioner, by considering the petitioner-s representation dated 10.05.2019, within a stipulated time.

!For Petitioner : Mr.R.Maheswaran

^For Respondents : Mr.K.Mu.Muthu,
Addl. Govt. Pleader
:ORDER
This Writ Petition has been filed for a direction to the respondents to release the Petitioner-s vehicle ie., Tipper Lorry bearing registration No.TN~32~D~3269.

2. Heard the learned counsel for both sides.

3. The petitioner-s vehicle was seized in connection with illegal transportation of sand. The enquiry in this regard is still pending. The learned counsel for the petitioner affirms before this Court that the petitioner-s vehicle was not involved in any previous incident of sand theft or illegal transportation of sand.

4.The submission of the learned counsel for the petitioner is placed on

record. If this submission turns out to be false, the order now passed by this Court would stand automatically recalled and the petitioner will be visited with serious consequences. I am of the view that no purpose will be served by keeping the vehicle in question in the custody of the respondents. If the vehicle is kept in open space and exposed to sun light and rain, it would lose its value. Therefore, the respondents are directed to release the said vehicle subject to the following conditions.

5 Accordingly, this Writ Petition is disposed of with the following directions.
?(i)The petitioner is directed to deposit a sum of Rs.50,000/~ (Rupees Fifty thousand only) before the second respondent;
(ii)The petitioner is directed to produce all the documents pertaining to the ownership of the seized vehicle.
(iii) The petitioner is directed to file an affidavit of undertaking that he will cause production of the vehicle in question before the competent/concerned respondent (as the case may be) as and when called for and further, he will not alienate the vehicle in question till the appropriate proceedings initiated are completed;
(iv) On compliance of the above conditions, the second respondent is directed to release the seized vehicle bearing Registration No.TN~32~D~3269 to the petitioner.
(v)The second respondent is directed to pass final orders in the adjudication proceedings, if any, within a period of 45 days;
(vi)This order for the release of the vehicle can be pressed into service by the petitioner only if the vehicle is not in the custody of the criminal Court. If the vehicle is in the custody of the concerned criminal Court of appropriate jurisdiction, then option is given to the petitioner to approach the concerned Judicial Magistrate to get release of the vehicle, by filing necessary application in the manner known to law and in accordance with law; and

(vii)Inasmuch as the vehicle bearing Registration No.TN~32~D~3269 is seized by the second respondent on 10.05.2019, the aforesaid order is to be complied with within a period of one week, if no order of adjudication is passed as on today.
No costs.

To
1.The Assistant Director,
Geology and Mines Department,
Thanjavur District.

2.The Sub Collector cum Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

3.The Tahsildar,
Kumbakonam Taluk,
Thanjavur District.

4.The Inspector of Police,
Natchiyar Kovil Police Station,
Thanjavur District.